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DUWAMISH RIVER CLEANUP COALITION

Technical Advisory Group

Community Advisory Board:

Community Coalition for Environmental Justice

The Duwamish Tribe

Environmental Coalition Of South Seattle

Georgetown Community Council

IM-A-PAL Foundation

People for Puget Sound

Puget Soundkeeper Alliance

South Park Neighborhood Association

Washington Toxics Coalition

Waste Action Project

Working to ensure a Duwamish River cleanup that is accepted by and benefits the community and protects fish, wildlife and human health.

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June 30, 2011

Shawn Blocker
U.S. EPA, Region 10
1200 6th Avenue South
Suite 900, AWT-121
Seattle, WA 98101

Dear Mr. Blocker:

The Duwamish River Cleanup Coalition/Technical Advisory Group (DRCC/TAG) was founded in 2005 by the member organizations of the Duwamish River Cleanup Coalition (DRCC), the Environmental Protection Agency's (EPA) Community Advisory Group (CAG) for the Lower Duwamish Waterway Superfund Site (the Site). DRCC/TAG provides technical support and public education, outreach and involvement services to the DRCC member organizations, the communities affected by the Superfund site, other Duwamish River stakeholders, and the general public.

DRCC/TAG has reviewed the Draft EE/CA for Jorgensen Forge (JF), as well as the Jorgensen Forge Source Control Evaluation Report and EPA Fact Sheet, recent Boeing Plant 2 Draft Statement of Basis and Terminal 117 EE/CA, EPA's November 2010 Institutional Controls Guidance document, and Seattle's earthquake scenario for magnitude 6.7 earthquake.

DRCC/TAG has the following comments on the Draft JF EE/CA.

Selection of Alternative 4

DRCC/TAG supports EPA's selection of Alternative 4, which proposes complete removal of all contaminated sediments below the Washington State Sediment Standards followed by a clean layer of backfill, with the following caveats:

- The EE/CA acknowledges that the complete vertical extent of PCBs is not complete at SMUs 2, 4A, 4B, 4C, and 9. DRCC/TAG understands that JF is committed to exploring the true bottom depths of RvAL exceedances at all areas where the SQS limit is not completely defined.
- The depth of clean fill over the remaining contaminated sediments must be a minimum of **60 cm** to prevent recontamination from bioturbation.
- Although DRCC/TAG is supporting a JF cleanup plan that remediates the site to state sediment standards at depth, DRCC/TAG recognizes the need to achieve final riverwide cleanup levels as close as technically practicable to natural sediment background levels. If future seismic activity causes contamination at depth to resurface within the site boundaries, the final cleanup order should require JF (and other parties with Early Action cleanups) to take additional cleanup actions to restore surface sediments at the site to natural background levels.

Executive Summary

The JF EE/CA lacks an executive summary. Executive Summaries are recommended in EPA's Fact sheet entitled "Conducting Non-Time-Critical Removal Actions under CERCLA (EPA/540/F-94/009)" because they provide a general overview of the contents of the EE/CA and makes the EE/CA more accessible for the public to review. The public and Environmental Justice communities are put at a disadvantage in reviewing the Draft EE/CA because of the absence of an Executive Summary. DRCC/TAG requests that an Executive Summary be prepared for the final JF EE/CA, and that all other Lower Duwamish Waterway Early Action and riverwide cleanup documents include an Executive Summary.

Dredging

The technology, containment measures, and other best management practices used to dredge the Jorgensen Forge and other nearby Early Action Areas (Boeing Plant 2 and T-117) are a major concern due to: (1) the proximity of the site(s) to South Park, an environmental justice community, and other public accessible waterfront areas; (2) proximity to sensitive up-and down-river natural resources; and (3) the potential for cross- and re-contamiation (see comment below). A **site-specific** assessment that takes site characteristics such as sediment consolidation and presence or absence of debris *and public*

review is necessary to determine the most effective and protective dredging technology for this and other Duwamish River sites.

Recontamination

EPA is the lead agency for the JF contaminated sediments and Ecology is lead agency for the JF upland property. This division has lead to some inconsistencies and gaps. The potential for migration of contamination between the upland and sediments has not been well defined. The JF source control document (March 2011) discusses a conceptual site model (defined as a three-dimensional picture or schematic of site conditions that conveys what is known or suspected about the sources, releases and release mechanisms, contaminant fate and transport, exposure pathways, potential receptors, and risks, etc.) in words but not in schematics. DRCC/TAG is concerned about the following recontamination pathways:

1. The potential for recontamination of sediments from the upland portion of the JF from *all* migration pathways. It is inaccurate to state that pathways from JF upland to sediments are incomplete just because they currently do not exceed Water Quality Standards. The pathways are complete if one media (e.g., groundwater) is traveling to another media (e.g., surface water). Monitoring is required to ensure that water quality standards and sediment standards are not exceeded in the future.
2. Alternative 4 focuses on remediation based on PCBs, the primary risk driver. However, there are other chemicals of concern migrating from the upland, requiring monitoring for the full suite of chemicals, not just PCBs.
3. The Boeing Plant 2 upland cleanup and source control activities have the potential to recontaminate JF sediments. These discussions are missing from the Draft JF EE/CA and should be included.
4. The sequencing of cleanups between T-117, Boeing Plant 2, and JF may cause recontamination and should be addressed in the JF EE/CA, as well as in the other sites' cleanup decision documents.

In short, a recontamination assessment section with visual schematics is necessary; a coordinated EPA/Ecology oversight of JF remediation and source control activities is essential to prevent recontamination; and a discussion of sequencing between T-117, JF and Boeing Plant 2 is critical to demonstrate how the cleanups will prevent cross- and re-contamination from occuring.

Institutional controls

Institutional controls (ICs) are inadequately addressed in the Draft EE/CA. Fishing advisories alone are not sufficient as institutional controls to protect human health during this early action. The Duwamish River fishing populations are environmental justice communities, comprised of tribal, low-income/homeless, and immigrant communities who rely on the river both ffor subsistence and maintaining fishing-related family and cultural traditions. The JF EE/CA needs to incorporate, at a *minimum*, ICs comparable to those being developed for the larger LDW Superfund Site, as reflected in EPA's, DRCC/TAG's, and the Muckleshoot and Suquamish Tribe's comments on LDWG's Draft FS.

EPA's IC Guidance document (November 2010) recommends that an Institutional Control Implementation and Assurance Plan (ICIAP) be developed as early as possible for both early action cleanups and site-wide cleanup plans. DRCC/TAG supports this recommendation and requests that an ICIAP be developed, with public review, for JF, as well as for T-117 and Boeing Plant 2.

NPDES Permit Revision

NPDES permits often exceed water quality standards (WQS); JF's NPDES permits are no exception. We are pleased to hear that JF has agreed to install technology onsite to assist with the attainment of WQS for the Superfund Site. JF's NPDES discharge permit should be revised immediately to reflect this new requirement.

Source Control

The proposed remedy for JF will only be protective if certain conditions are met. Potential upriver, downriver and upland sources on both sides of the LDW must be identified and controlled to prevent recontamination of the JF sediments. Until source control is achieved in adjacent and contributing areas of the LDW, upstream and downstream areas will continue to be potential sources of recontamination. In addition, nearby uncontrolled upland sources could potentially recontaminate the site. While JF may not have liability for recontamination if it can show that it was not responsible, the resulting recontamination would still undermine the effectiveness of the remedy, and should be addressed in order to ensure that the cleanup is successful.

Certified PCB-Free Backfill

The remedial design should specify that the clean backfill will be "certified PCB-free," have metals concentrations less than or equal to natural background concentrations. The protectiveness of the selected corrective action is largely due to the clean backfill replacing the excavated sediments. This specification for the backfill is also important for detecting any recontamination of the sediments onsite.

Contaminated Sediments Disposal

Appropriate consideration should be given to the selection of a disposal facility for contaminated soil and dredge spoils to ensure that the contamination is not transferred from one community to another. Local options for disposal and treatment need to be considered and publicly reviewed in order to prevent or minimize the transference of contaminated materials to another location.

Thank you for the opportunity to comment on the Draft EE/CA for the Jorgensen Forge Early Action Area. We look forward to reviewing the final EE/CA and working with EPA to keep the public informed and involved in the implementation of the Jorgensen Forge remedial action.

Sincerely,

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Coordinator